

1905-047 Chancery Causes: S. C. Russell vs. C. D. Russell
Lee Co.

Pennington, Thompson, Hughes

CA-Divorce
T-Migration
Vias

To the Honorable H. A. W. Skeen, Judge of the circuit court for Lee County, Virginia:

Humbly complaining, your oratrix, S. C. Russell, respectfully represents that on the _____ day of _____ she was united in the holy bonds of matrimony to one C. D. Russell, in Lee County, Virginia; that a short time afterwards she and her said husband removed to the State of Missouri, where they resided together happily as man and wife for some years, but after a time her said husband began to neglect her and her family of small children, and to associate with drunkards and gamblers, until finally he became almost an habitual drunkard wholly neglecting to provide for his family; that she notified her father who lived in Lee County, Virginia, of the state of affairs, and her father sent her the means with which to return to his home in Virginia, which she accordingly did; that shortly afterwards, her said husband also returned to Lee County, Virginia, and made to her fair promises that he would henceforth lead a temperate life and devote himself and his energies to the proper support of himself and family. So for some years after their said return to Virginia, as aforeaaid, she and her said husband lived together as man and wife in comparative peace and happiness, but after some years her said husband again took to drink, and in a short time became an habitual drunkard, and also became very abusive and ill-tempered to your oratrix, and on more than one occasion struch her and otherwise abuseed and maltreated her, and one more than one occasion threatened her life, flourishing his pistol over and about her. Finally, after her said husband had drunk up and run through with all his property, he went to Wise County, Virginia, were he sucured employment with the Virginia Coal & Iron Company in connection with their lumber operations. While he was thus employed your oratrix was informed that he took up with and was living in adultery with one Ellen Pennington, a common prostitute. This was in the spring of the years 19 03. About the month of May of that year, on account of his interperate and immoral habits and conduct, as she was informed, he was discharged from his employment with said Company. At any rate about that time he returned to her home in

Lee County, Virginia, where she was living with her father and mother, and wanted to resume the marriage relation, but ^{your oratrix} ~~respondent~~ believing the reports of his immoral acts to be true, refused to live with him. Your oratrix had not lived with him as his wife for months before this time because he had voluntarily deserted her, and remained away in Wise county and probably at other places. Another reason why your oratrix refused to live with the said Russell was that she feared he would at some time become intoxicated and while in that condition do her or some member of her family great bodily hurt, probably take her or their lives. Shortly after her refusal to further live with her husband as his wife as aforesaid, he left the State of Virginia, and moved to the State of Washington, where he lived for some time, and afterwards removed from thence to Wyoming where he now lives. Your oratrix is informed, however, that her said husband contemplates returning to Virginia soon, and she fears if he does so he will undertake to give trouble.

Your oratrix alleges that the said C. D. Russell, in Wise County, Virginia, during the months of February, March, April, May, at a place called Mud Lick, and at the house occupied by John P. Hughes and probably at other places in that vicinity was guilty of acts of Adultery with the said Ellen Pennington, a common prostitute; that since learning of these acts on the part of her said husband she has not cohabited with him or in any way condoned his said acts; that she is not and has been for some ten years a resident of and domiciled within the County of Lee and State of Virginia; and that she and her said husband last cohabited together and lived together as man and wife in Lee County, Virginia, about three years ago.

The premises considered, the prayer of your oratrix is that said C. D. Russell be made party defendant to this bill, that order of publication be made against him, and that she be granted an absolute divorce from her said husband. She does not ask for alimony as her said husband has no property so far as she knows.

L. T. Kyatt, p.q.

Costs:
 Clerk \$4.76
 Tax 1.50
 atty. 15.00
 Printer 5.00
 Com. in Chg. 2.25
 \$28.51
 Wits 1.00
 \$29.51

S. C. Russell
 vs { Lu Chy
 C. D. Russell

1900 to 10

L. T. HYATT,
 ATTORNEY AT LAW,
 JONESVILLE, VIRGINIA.

S. C. Russell Plaintiff
vs' E. L. Chauncy.
C. D. Russell Defendant.

This cause came on this the 16th day of May, 1905, to be heard upon the plaintiff's bill, order of publication duly made, published and posted against the defendant as required by law, the depositions of witnesses, and was argued by counsel. On consideration whereof the court is of opinion that the evidence sustains the allegations of adultery contained in the plaintiff's bill, and doth therefore adjudge, order and decree that the bonds of matrimony existing between the plaintiff and defendant he and the same are hereby dissolved, and the plaintiff is granted a divorce a vinculo matrimonii from the defendant.

And the cause is stricken from the docket.

S. L. Russell
vs { In Chy.
C. D. Russell

Decree Final

Entered in C. D.
No. 8-6-25-

Enter this decree
May 16 1905.
H. A. W. Sherr

The depositions of A. L. Thompson and John C. Hughes taken before me W. L. Hopkins, a commissioner in chancery for the circuit court of Lee County Virginia, at the Pocket Coal Company's store, in Lee County, Virginia, on the 9th day of May, 1908, to be read as evidence in behalf of the plaintiff in a certain suit for divorce pending in said court wherein Mrs. S. C. Russell is plaintiff and C. D. Russell is defendant, taken without notice, the defendant having been proceeded against by order of publication.

Present: L. T. Hyatt, Attorney for the Plaintiff.

The witness, John C. Hughes, being first duly sworn, deposes as follows:

Q. 1. for plaintiff. - State your age residence and occupation?

A. - I am 47 years of age, reside in the Pocket, Lee County Va. and am a farmer by occupation.

Q. - Are you acquainted with Mrs. S. C. Russell; and if so where does she live, and how long has she lived there?

A. - I am acquainted with her and have been for twenty years or more. She lives in the Pocket, in Lee County Virginia, and has been living here for ten years or more.

1 Since she came back from Missouri,
2 I think.

3 Q.- Did you formerly live in Wise
4 County, Virginia; and if so, when?

5 A.- Yes, I lived at Mud Lick in
6 Wise County for a few months about
7 two years ago. I moved back
8 here from Wise County in April, or
9 May, two years ago.

10 Q.- While you lived in Wise County
11 at Mud Lick was C. D. Russell living
12 or working there?

13 A.- Yes, worked there and boarded
14 with me.

15 Q.- Did you ever see any improper
16 or immoral conduct on the part of said
17 C. D. Russell with any woman; and if
18 so, state what it was and with whom
19 and the time, and place as near as you
20 can remember?

21 A.- Yes I saw him in bed with
22 Ellen Pennington, It was at Mud Lick
23 a little over two years ago, at my
24 house, I had Ellen hired to stay with
25 me, my wife was sick, and as
26 soon as she got well I run the
27 woman off.

28 Q.- Since the time you saw these
29 people in bed together as above stated
30 has his wife, the plaintiff, ever lived
31 with him?

32 A.- I think not.

Q. - Where is the defendant, C. D. Russell, now?

A. - He is somewhere in the West. He went away in a short time after this occurrence.

Q. - Where did the plaintiff and defendant last live together as man and wife?

A. - Here in the Pocket, in Lee County, Va.

And further witness saith not.
J. P. Snodgrass

Wit. claims one
day 50¢ paid by plff.

A. L. Thompson, another witness of lawful age, being first duly sworn, deposes as follows:

Q. - State your age, residence and occupation?

A. - I am 42 years old, I live in the Pocket, Lee County Va. and am a farmer.

Q. - Are you acquainted with Mrs. S. C. Russell and C. D. Russell; and if so how long have you known them?

A. - I am, have known them both for ten or fifteen years.

Q. - Where do they live now, and how long have they so lived?

A. - Mrs. S. C. Russell lives here in

1 the Pockett in about one hundred
2 yards of my house, I dont know
3 where Charly is, the last I heard of
4 him, I think he was in Wyoming. Mrs.
5 Russell has been living here six or
6 seven years or more. Mr. Russell has
7 been gone from here about two years
8 I guess.

9 Q.- Did you ever see any improper
10 or immoral conduct on the part of
11 said C.D. Russell with any other woman;
12 if so state what you saw & when and
13 where it was?

14 A.- I saw him and Ellen Fenn-
15 ington hugging, kissing and boxing ar-
16 ound each other and saw her sitting
17 in his lap, this was in Wise county
18 upon Mud Lick at J.P. Hughes house,
19 I moved back here from Mud Lick, this
20 May, two years ago and it was about
21 two months before I moved.

22 Q.- Has Mrs. Russell ever lived
23 with said C.D. Russell as his wife
24 since you saw these acts?

25 A.- I dont think they have.

26 Q.- Is it not a fact that shortly
27 after this said C.D. Russell went away
28 to the West and has been away ever
29 since?

30 A.- Yes,

31 And further, Witness saith not
32 Wit. claims one day 50¢ paid by plff.

A. L. Thompson
Witness

1 Virginia, Lee County, to-wit:

2 I, W. K. Hopkins, a Commissioner in
3 chancery for the circuit court of the
4 County aforesaid in the State of Virginia,
5 do certify that the foregoing depositions
6 of J. P. Hughes and A. L. Thompson
7 were duly taken, subscribed and
8 sworn to before me at the time and
9 place and for the purposes in the cap-
10 tion stated.

11 Given under my hand this 9th day
12 of May, 1905.

13 W. K. Hopkins, Commissioner
14 in chancery.

15 Fee for taking these
16 depositions 3 hours @
17 75¢ \$2.25, paid by
18 plff.

In the Clerk's Office of the Circuit Court of the County of
Lee

S. C. Russell

Plaintiff

against

C. D. Russell

Defendant

This day L. T. Hyatt personally appeared
before me H. T. Ewing Clerk of the said Court,
and being duly sworn, made oath that C. D. Russell,

defendant in the said suit is not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 7 day of January 1905.

H. T. Ewing, Clerk,

S. C. Russell

vs.

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AFFIDAVIT FOR ORDER

OF

PUBLICATION.

C. D. Russell

L. T. Hyatt p. q.

In the Clerk's Office of the Circuit Court of the County of
Lee on the 7th day of January 1905.

S. C. Russell

Plaintiff

against

C. D. Russell

Defendant.

The object of this suit is to obtain a decree dissolving the
bonds of matrimony heretofore contracted
and now existing between the plaintiff
and defendant

And an affidavit having been made and filed that the defendant C. D. Russell is

^a resident of the State of Virginia, it is ordered that he do appear here within 15 days
after due publication hereof, and do what may be necessary to protect his interest in this suit. And
it is further ordered that a copy hereof be published once a week for four weeks in the Jonesville
Star, and that a copy be posted at the front door of the court-house of this County
as required by law on the first day of the next term of the Court.

A copy—Teste:

L. T. Hyatt

p. q.

H. T. Ewing

Clerk.

S. C. Russell

vs. {

ORDER OF
PUBLICATION.C. R. Russell

Virginia, Lee County, to-wit:
I, H. C. T. Ewing, Clerk of the
Circuit Court, for the County
aforesaid, in the State of
Virginia, do certify that
I posted a true copy of
the within O. P. at the front
door of the Court-house as
required by law.

Given under my hands
this the 4th day of Jan'y.
1905.

H. C. T. Ewing, Clerk.

Order of Publication.

Virginia, in the Clerk's Office in the Circuit Court of the County of Lee, on the 7th day of January, 1905.

S. C. RUSSELL, Plaintiff

vs

C. D. RUSSELL, Defendant

The object, of this suit is to obtain a decree dissolving the bonds of matrimony heretofore contracted and now existing between the plaintiff and defendant.

And an affidavit having been made and filed that the defendant, C. D. Russell, is not a resident of the State of Virginia, it is ordered that he do appear here within 15 days after due publication hereof, and do what is necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Jonesville Star and that a copy be posted at the front door of the court-house of this county as required by law.

A copy—Teste

H. C. T. EWING, Clerk.

L. T. Hyatt, p. q.

J. C. Russell

VS

C. D. Russell



I, J. C. Bortzler, editor
of The Jonesville Star, a weekly newspaper
published in the county of Lee, state of Virginia,
do hereby certify that the enclosed notice was
published in said paper once a week for four
successive weeks, commencing on the 2
day of Feb 1905

J. C. Bortzler, Editor.

FEE \$ 6.00